

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HIMES

Application No.: 09/725,080

Group:

Filed: November 29, 2000

Examiner:

Title: LOYALTY LINK METHOD AND APPARATUS  
FOR INTEGRATING CUSTOMER INFORMATION  
WITH DEALER MANAGEMENT INFORMATION

PETITION FOR RETROACTIVE LICENSE

The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

RECEIVED  
FEB 15 2002  
Technology Center 2100

Sir:

Petition is hereby made for a retroactive foreign filing license under 37 C.F.R. 5.25.

- 1) Material in the present U.S. Patent Application was filed only in Canada.
- 2) Material of the present application was filed in Canada on December 12, 2000, and is not yet published.
- 3) The required verified statement (Oath or Declaration) is enclosed.
- 4) The required fee of Rule 1.17 (h) of \$130 is enclosed.

As further demonstration that the foreign filing was in error and without deceptive intent, note that this Petition itself brings the matter to the Commissioner's attention.

Note that the subject matter of the present application relates to sales of automobiles by automobile dealers, and hence would not fall under the secrecy provisions for national security of 35 U.S.C.181. However, out of an abundance of caution, this Petition is filed.

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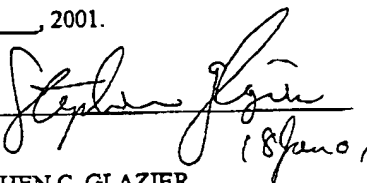
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This Canada application was filed in error without deceptive intent. This filing error was due to a clerical error. Routinely, the international filing formalities department of this law firm checks all proposed foreign applications for all formal requirements, including that a foreign filing license has been obtained prior to foreign filing, and delays any foreign applications for which a license has yet to be received, until the license is received. In this case, the proposed Canada filing was received by the undersigned from the international department of this law firm, for transmittal to Canada, with no indication that the foreign filing license had not been received. The undersigned then caused the file to be transmitted to Canada, prior to discovery that the foreign filing license had not been received, believing that this was proper, and this was done without deceptive intent.

The facts above are within my personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18 day of January, 2001.

  
STEPHEN C. GLAZIER  
Reg. No.: 31,361  
(202) 861-3056

Pillsbury Winthrop LLP  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HIMES

Application No.: 09/725,080

Group:

Filed: November 29, 2000

Examiner:

Title: LOYALTY LINK METHOD AND APPARATUS  
FOR INTEGRATING CUSTOMER INFORMATION  
WITH DEALER MANAGEMENT INFORMATION

VERIFIED STATEMENT PURSUANT TO 37 C.F.R. 5.25

The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

This statement is filed in support of the attached Petition for Retroactive License.

The undersigned is the attorney of record for the present application.

The subject matter of the present patent application was not under a secrecy order at the time that it was filed abroad, in Canada only, that is December 12, 2000, and it is not currently under a secrecy order.

This retroactive foreign filing is diligently sought after discovery that the Canada application was filed before a foreign filing license was received. In January 2001 we reviewed the foreign application file and the domestic application file in a routine check of the status of the matter. At this point, it was first discovered that foreign filing license had not yet been received. The drafting of the attached Petition was initiated and filed shortly thereafter. We also note that the time of filing of this Petition is only about one month from the foreign filing, and well before any foreign publication, and hence is inherently very diligent.

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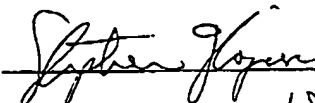
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The Commissioner is hereby authorized to charge any additional fees that may be required herefore, and any missing or insufficient fee filed, or asserted to be filed, which should have been filed herewith or concerning any paper filed hereafter, and which may be required now or hereafter relative to this application and the resulting official document, or credit any overpayment, to our Deposit Account 03-3975, Order No. 81684/268496, for which purpose a duplicate copy of this sheet is attached.

Having satisfied all the requirements for retroactive foreign filing license, such license is hereby respectfully requested.

Respectfully submitted,

  
STEPHEN C. GLAZIER 18 Jan 2001  
Reg. No. 31,351  
(202) 861-3056

Date: \_\_\_\_\_

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

PILLSBURY WINTHROP  
1100 NEW YORK AVENUE, N.W.  
NINTH FLOOR  
WASHINGTON, DC 20005-3918

2001

In re: Himes : DECISION ON REQUEST  
Serial No.: 09/725,080 : UNDER 37 CFR 5.25  
Filing date: November 29, 2000  
Docket No: none

Title: LOYALTY LINK METHOD AND APPARATUS FOR INTEGRATING CUSTOMER I  
NFORMATION WITH DEALER MANAGEMENT INFORMATION

In view of the communication(s) filed March 1, 2001, it has been determined that a retroactive license for foreign filing under 35 U.S.C. 184 be granted with respect to the filings listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R. 5.11 first having been obtained through error and without deceptive intent.

Country

CANADA

Date

December 12, 2000

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Approved:

Ian J. Lobo  
Patent Examiner  
Group 3600  
(703) 306-4161

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/725,080	3/1/01	HIMES	NONE

Title: **LOYALTY LINK METHOD AND APPARATUS FOR  
INTEGRATING CUSTOMER INFORMATION WITH  
DEALER MANAGEMENT INFORMATION**

Art Unit	Paper Number
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MAILED

MAY 2 2001

Correspondence Address:

STEPHEN C. GLAZIER  
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NINTH FLOOR, EAST TOWER  
WASHINGTON, DC 20005

LICENSING & REVIEW

Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 526,915

Grant Date: 10-May-01

This license is granted retroactively to the date(s) and the country(s) indicated on the attached decision.

Approved:

for Commissioner of Patents and Trademarks

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FEB 15 2002

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of duplicate and formal papers and the prosecution of such application or applications. Technology Center 2100

This license is granted under 37 CFR 5.15(a)

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lessen the responsibility of the licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Administration, Department of Commerce; and the Department of Energy.

**LICENSE FOR FOREIGN FILING**

[Title 35, United States Code (1952) Sections 184, 185, 186]